

August 26, 2010

Dan Ruben
Executive Director
Equal Justice America
13540 East Boundary Road, Building II, Suite 204
Midlothian, VA 23112

Dear Mr. Ruben:

I am writing to thank you once again for funding my work for the Legal Aid Society of the District of Columbia this summer. My Equal Justice America fellowship allowed me to intern with the Legal Aid Society of DC's Housing Unit, working with clients who were facing eviction or the loss of housing-related benefits. Some of my activities included: gathering and recording case records from D.C. Landlord/Tenant Court database to identify unrepresented tenants, and assisting with outreach to those tenants; interviewing clients regarding housing code violations and conducting on-site investigations; drafting and revising legal memos and procedural motions; performing legal research; attending and assisting with mediations and hearings.

I have included in this letter two stories that illustrate in more detail my immensely valuable summer experience.

An Advocate by the Client's Side

One surprisingly rewarding experience this summer was accompanying clients seeking to restore wrongfully terminated housing benefits to appointments with the D.C. Housing Authority. While this may seem like a mundane task, the housing unit interns were amazed at the difference our mere presence could make for our clients.

The public housing and voucher programs are notoriously difficult to understand. People who lose their housing benefits even due to an obvious mistake by their landlord or the Housing Authority face tremendous bureaucratic difficulties in reinstating their benefits. Families can literally be forced into homelessness because of such an error.

Remedying the problem requires many visits to the Housing Authority: visits that require clients to miss work and that pose particular difficulties for clients with disabilities. Accompanying our clients to these appointments helped ensure that the clients received detailed and accurate instructions from the Housing Authority regarding their recertification process, and that their questions and concerns would not be ignored.

These visits showed us how important it is for our clients to have a lawyer, or even just a law student, on their side. It is a shame that so many people in our city are forced to navigate the system without the help of an advocate.

Researching the Use of Hearsay Evidence

Under federal and D.C. law, residents of subsidized housing units are subject to

eviction for drug activity (sale, use, or possession) by any member of the household or any household member's guests.

Mr. W, a legally blind senior citizen, came to Legal Aid to contest a drug-related eviction from his subsidized unit. An unnamed confidential informant had allegedly purchased drugs from an unknown male inside Mr. W's apartment. The confidential informant's information was used to procure a search warrant for Mr. W's apartment. The search produced no evidence whatsoever of drugs. Nonetheless, eviction proceedings were commenced based on an affidavit from a police officer that described the confidential informant's report. Mr. W vehemently denied that any member of his household was involved in drug activity.

When I started working on this case, the landlord's attorney had filed a motion for summary judgment based on the police officer's affidavit. Legal Aid's contention was that the police affidavit contained multiple levels of hearsay and by itself provided insufficient evidence to support a motion for summary judgment. My job was to research DC case law to bolster the intuitive proposition that the court should deny a motion for summary judgment supported solely by hearsay evidence. It took some time, but I finally found a good case to cite, which we then included in our response to the summary judgment motion.

At the next hearing date, the judge swiftly denied the plaintiff's motion for summary judgment. Days later, the landlord's attorney, who had previously refused to even discuss settlement, offered to drop the case in exchange for Mr. W signing a good conduct agreement in which Mr. W agreed to refrain from any drug activity for two years. Since drug activity is illegal anyway (and Mr. W was almost certainly not a drug dealer), this was a complete victory for the client. Mr. W, who had been unable to sleep for months out of fear that he would soon be evicted, was so thrilled that he offered to take the legal team out to dinner (an offer we had to refuse, of course).

Thanks so much to Equal Justice America for giving me the opportunity to work with Legal Aid this summer. The experience has further strengthened my commitment to public interest law.

Sincerely,

Brendan B. McTaggart
Georgetown University Law Center, Class of 2011